



CV 01-1729 #3

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OCT 25 2001 KN

AT SEATTLE  
CLERK U S DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

BY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANDRE WATSON,

Plaintiff,

v

CITY OF SEATTLE, a municipal corporation  
and SEATTLE POLICE DEPARTMENT  
OFFICER TOMMY DORAN,

Defendants

**001-1729**

KING COUNTY SUPERIOR COURT  
CAUSE NO 01-2-28061-9SEA

**VERIFICATION OF STATE COURT  
RECORDS**

**VERIFICATION**

The undersigned hereby declares the following

1. The undersigned are counsel for defendants

2 Pursuant to CR 101(b), attached are true and correct copies of all records and proceedings in the Superior Court of King County, Washington received by defendant City of Seattle in the above-entitled action, Cause No 01-2-28061-9SEA

VERIFICATION OF STATE COURT  
RECORDS - 1

STAFFORD FREY COOPER  
Professional Corporation

ATTORNEYS

2500 RAINIER TOWER  
1301 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101-2621  
TELEPHONE (206) 623-9900

**ORIGINAL**

<u>Exhibit</u>	<u>Document</u>
A	Plaintiffs' Summons and Complaint
B	Notice of Appearance for Defendant City of Seattle

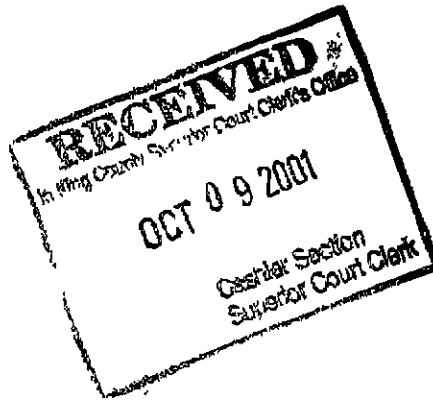
DATED this 24<sup>th</sup> day of October, 2001

STAFFORD FREY COOPER

By Tobin E Dale  
Ted Buck, WSBA #22029  
Tobin E Dale, WSBA # 29595  
Attorneys for Defendants City of Seattle  
and Detective Tom Doran

VERIFICATION OF STATE COURT  
RECORDS - 2

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

ANDRE WATSON,

Plaintiff,

vs.

The CITY OF SEATTLE, a  
municipal corporation; and  
Seattle Police Officer TOMMY  
DORAN,

Defendants.

NO.

SUMMONS

01-2-28061-33EA

RECEIVED  
01 OCT 11 PM 12:22  
CITY OF SEATTLE  
MAYOR'S OFFICE

TO THE DEFENDANTS: A lawsuit has been started against you in the above-entitled court by ANDRE WATSON, plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or sixty (60) days excluding the day of service if served outside of the State of Washington, or a


1 default judgement may be entered against you without notice.  
2 A default judgment is one where plaintiff is entitled to what  
3 he asks for because you have not responded. If you serve a  
4 notice of appearance on the undersigned person, you are  
5 entitled to notice before a default judgment may be entered.

6 You may demand that the plaintiff file this lawsuit with  
7 the court. If you do so, the demand must be in writing and  
8 must be served upon the person signing this summons. Within  
9 14 days after you serve the demand, the plaintiff must file  
10 this lawsuit with the court, or the service on you of this  
11 summons and complaint will be void.

12 If you wish to seek the advice of an attorney in this  
13 matter, you should do so promptly so that your written  
14 response, if any may be served on time.

15 This summons is issued pursuant to Rule 4 of the Superior  
16 Court Civil Rules of the State of Washington.

17 DATED: October 9, 2001.

18  
19   
20 LEMBARD G. HOWELL  
21 WSBA #133  
22 Attorney for Plaintiff  
23  
24  
25  
26

RECEIVED  
King County Sup. Ct. Office  
OCT 09 2001  
Clerk Section  
Superior Court Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

ANDRE WATSON,  
  
Plaintiff,  
  
vs.  
  
The CITY OF SEATTLE, a  
municipal corporation; and  
Seattle Police Officer TOMMY  
DORAN,  
  
Defendants.

01-2-28061-9SEA  
No.  
COMPLAINT FOR DAMAGES  
RECEIVED  
CITY OF SEATTLE  
HAYDOCK OFFICE  
OCT 11 PM 12:22

COMES NOW the plaintiff, Andre Watson, and for cause of  
action against defendants alleges as follows:

I. JURISDICTION

1. All of the events and things complained of occurred  
in Seattle, King County, Washington and within the  
jurisdiction of this court.

II. PARTIES

2.1 Plaintiff Andre Watson is an African-American  
resident of King County, Washington.

2.2 The defendant, City of Seattle is a governmental

1 entity with the right to sue and be sued in its own name and  
2 stead.

3 2.3 Defendant Police Officer Tommy Doran was employed by  
4 Defendant City of Seattle as a police officer and at all times  
5 material was acting within the scope and with the knowledge,  
6 permission, and consent of the defendant City of Seattle of  
7 his employment.

8 2.4 Prior to the filing of this complaint, a Claim for  
9 Damages was filed with the City of Seattle and more than 60  
10 days have elapsed since the filing of the claim.

11  
12 **III. STATEMENT OF FACTS**

13 3.1 On January 22, 2000, at approximately 4:50 p.m.,  
14 plaintiff, Andre Watson, an African-American, was driving a  
15 1982 Honda Civic. Plaintiff came off Highway 99 onto Seneca  
16 Street and 1st Avenue.

17 3.2 Plaintiff then made a left onto 1st Avenue in the  
18 left lane. At that time, Plaintiff noticed a Seattle Police  
19 Officer, later identified as Tommy Doran, speeding up and  
20 slowing down next to claimant.

21 3.3 Seattle Police Officer Tommy Doran continued to  
22 speed up and slow down next to plaintiff's car in a harassing  
23 manner.

24 3.4 Plaintiff signaled and moved over to the right lane  
25 and made a right turn onto Virginia and again signaled and  
26 made another turn onto 2nd Avenue.

COMPLAINT FOR DAMAGES - 2

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TELEPHONE (206) 623-8296

1           3.5 When Mr. Watson was on 2nd Avenue, he again signaled  
2 and moved lane by lane over to the far left lane. Seattle  
3 Police Officer Tommy Doran was still following plaintiff  
4 throughout this route.

5           3.6 Plaintiff then pulled up in front of the Josephinum  
6 and parked.

7           3.7 Plaintiff opened his door and attempted to exit his  
8 vehicle, when his foot was out of the door, plaintiff was told  
9 to step back into his vehicle by Officer Tommy Doran and asked  
10 for plaintiff's driver's license and registration and proof of  
11 insurance.

12           3.8 Sherry Rossier, plaintiff's companion, asked Seattle  
13 Police Officer Doran if there was problem. Officer Doran  
14 answered with: "You'll be finding out soon enough." Officer  
15 Tommy Doran returned to his patrol car and left the plaintiff  
16 and his companion, Sherry Rossier, for approximately 20-30  
17 minutes.

18           3.9 Officer Doran returned to the plaintiff's car and  
19 instructed plaintiff to get out of the car.

20           3.10 Plaintiff exited the car and Officer Doran searched  
21 him, handcuffed him, and then searched plaintiff's car.

22           3.11 Plaintiff's companion, Sherry Rossier again asked:  
23 "What is going on?" at which point Officer Tommy Doran  
24 responded: "It was a routine stop that turned into an  
25 investigation." Ms. Rossier then asked: "An investigation of  
26 what?" Officer Doran's response was: "You'll be finding out

COMPLAINT FOR DAMAGES - 3

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1 soon enough"

2 3.12 Plaintiff was then taken to the patrol car and  
3 placed inside.

4 3.13 Ms. Rossier stepped out of the car at the same time  
5 that another Seattle Police Department patrol car pulled up  
6 behind them. Ms. Rossier was told to get back in the car,  
7 which she did.

8 3.14 A female Seattle Police Officer told Ms. Rossier to  
9 stay in the car at which point Seattle Police Officer Doran  
10 yelled to Ms. Rossier: "Get out of the car" and he grabbed and  
11 slammed Ms. Rossier up against the car.

12 3.15 Ms. Rossier said that she would sue officer Doran  
13 and turned to talk to the female officer Clark when Seattle  
14 Police Officer Doran again slammed her into the car. Ms.  
15 Rossier was "spread eagle" with her hands on top of the car.

16 3.16 Officer Doran searched the car again. Officer Doran  
17 asks Ms. Rossier for her driver's license and proceeded to  
18 grab Ms. Rossier's purse and then threw all of the contents of  
19 her purse into the car.

20 3.17 Officer Doran then continued looking through the  
21 car, opened the glove compartment, took out a cell phone, and  
22 then told Ms. Rossier to get back in the car.

23 3.18 Officer Doran took plaintiff to the precinct where  
24 he was held for another 30-40 minutes in a holding cell and  
25 then taken to the Public Safety Building and eventually told  
26 he was getting a ticket for no left signal, but was never

COMPLAINT FOR DAMAGES - 4

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1 given a copy of that ticket.

2 3.19 Plaintiff was eventually released at approximately  
3 8:15 p.m. for what is obviously a racial profiling traffic  
4 stop.

5 3.20 Plaintiff was charged with failure to use left turn  
6 signal as required for lane change. These charges proceeded  
7 to trial and were known to the defendant City of Seattle and  
8 were later dismissed. Plaintiff incurred legal expenses in  
9 defending against these false charges, burdening charges  
10 instituted by defendant Doran.

11 3.21 The acts of defendant Doran constitutes a cavalier,  
12 reckless disregard for plaintiff's constitutional rights and  
13 a ratification of defendant Doran's conduct.

14 3.22 As a result of defendants' actions, plaintiff  
15 suffered personal injuries, embarrassment, humiliation,  
16 damaged reputation, emotional distress, and other dignitary  
17 injuries, as well as costs associated with defending the false  
18 charges filed against him.

19  
20 IV. CLAIMS

21 Count 1 (False Arrest)

22 4. Plaintiff realleges each and every allegation in the  
23 preceding paragraphs.

24 5. Defendants' actions constitute false arrest, which  
25 resulted in damages to plaintiff.  
26

COMPLAINT FOR DAMAGES - 5

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Count 2 (Assault and Battery)

6. Plaintiff realleges each and every allegation in the preceding paragraphs.

7. Defendants' actions constitute assault and battery, which resulted in damages to plaintiff.

Count 3 (Defamation)

8. Plaintiff realleges each and every allegation in the preceding paragraphs.

9. Defendants' actions constitute defamation, which resulted in damages to plaintiff.

Count 4 (Intentional Infliction of Emotional Distress)

10. Plaintiff realleges each and every allegation in the preceding paragraphs.

11. Defendants' actions constitute intentional infliction of emotional distress, which resulted in damages to plaintiff.

Count 5 (Negligent Infliction of Emotional Distress)

12. Plaintiff realleges each and every allegation in the preceding paragraphs.

13. Defendants' actions constitute negligent infliction of emotional distress, which resulted in damages to plaintiff.

Count 6 (Malicious Prosecution)

14. Plaintiff realleges each and every allegation in the preceding paragraphs.

15. Defendant Police Officer Tom Doran and the City of Seattle maliciously prosecuted plaintiff, which resulted in damages to plaintiff.

Count 7 (Violation of 42 USC §1983)

16. Plaintiff realleges each and every allegation in the preceding paragraphs.

17. Defendants' actions violated 42 USC §1983, which resulted in violations of plaintiff's civil rights.

**V. PRAYER FOR RELIEF**

Wherefore, plaintiff prays for relief as follows:

1. For lost wages in such amount as proven at trial;
2. For judgment for interest on each item of damages from the date incurred until paid;
3. For general damages in such amount as proven at trial;
4. For plaintiff's costs incurred to bring this action;
5. For attorney's fees in such amount as proven at trial;
6. For punitive damages in such amount as proven at trial;

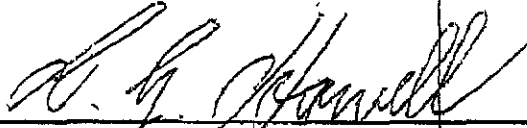
COMPLAINT FOR DAMAGES - 7

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1 7. For such other relief as the court deems just under  
2 the circumstances.

3 DATED: October 9, 2001.

4  
5 LAW OFFICES OF LEMBARD G. HOWELL, P.S.

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8 LEMBARD G. HOWELL  
9 WSBA #133  
10 Attorney for Plaintiff  
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COMPLAINT FOR DAMAGES - 8

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TELEPHONE (206) 623-3255

The Honorable J. Kathleen Learned

SUPERIOR COURT CLERK  
SEATTLE, WA

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

ANDRE WATSON,

Plaintiff,

v

THE CITY OF SEATTLE, et al.,

Defendants.

No. 01-2-28061-9 SEA  
NOTICE OF APPEARANCE

TO: The Clerk of the Above-Entitled Court

AND TO: Lembhard G. Howell, Esq , Attorney for Plaintiff

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned hereby appears as counsel of record for defendants CITY OF SEATTLE, without waiving the questions of:

- 1 Lack of jurisdiction over the subject matter;
- 2 Lack of jurisdiction over the person;
3. Improper venue;
4. Insufficiency of process;
5. Insufficiency of service of process;
6. Failure to state a claim upon which relief may be granted; and
7. Failure to join a party under Rule 19

NOTICE OF APPEARANCE - 1

1 YOU ARE FURTHER NOTIFIED that all further papers and pleadings herein,  
2 except original process, shall be served upon the undersigned attorneys at the address  
3 stated below.

4 DATED this 17th day of October, 2001.

5 STAFFORD FREY COOPER

6  
7 By 

8 Ted Bujak, WSBA # 22029  
9 Attorneys for Defendants  
10 The City of Seattle  
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NOTICE OF APPEARANCE - 2

**Certificate of Service**

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE OF APPEARANCE** on the following individuals:

**Lembhard G. Howell, Esq.**  
**Law Offices of Lembhard G. Howell**  
**2105 Pacific Building**  
**720 Third Avenue**  
**Seattle, WA 98104**

*Attorney for Plaintiff*

☒ Via Messenger

DATED this 17th day of October, 2001, at Seattle, Washington.

  
Sally Phillips

NOTICE OF APPEARANCE - 3